

SENATE JOINT RESOLUTION 636

By Burchett

A RESOLUTION relative to the NAFTA cross-border trucking pilot program.

WHEREAS, the United States Department of Transportation has began a cross-border trucking pilot program, hereinafter "the program," wherein trucks from the United States and Mexico are able to operate within each respective foreign country; and

WHEREAS, previously, trucks from Mexico were allowed to make deliveries only within the commercial zone extending twenty (20) miles inside the United States border, at which point they would transfer their cargo to a domestic carrier; and

WHEREAS, according to the United States Department of Transportation, the program, originally a component of the North American Free Trade Agreement (NAFTA), was designed to promote ease of trade and commerce between the United States and Mexico: and

WHEREAS, while the United States Department of Transportation maintains that United States inspection agents will ensure border safety by examining the credentials of each driver and by inspecting each truck entering the country, many concerned parties insist that additional oversight and enforcement resources are still necessary; and

WHEREAS, labor leaders, safety advocates, domestic carriers, members of Congress and even the United States Department of Transportation's own inspector general's office have all indicated their apprehension in implementing this program; and

WHEREAS, the inspector general's office, in a 2005 report, indicated that the safety concerns raised shortly after the NAFTA's ratification in 1992 had still not been addressed and that the border should remain closed to foreign carriers until such time as those issues could be resolved; and

WHEREAS, it is doubtful that we can afford to send agents to inspect trucks from Mexico at a time when United States agencies "lack the inspectors to conduct safety reviews of at-risk

domestic carriers" and only a handful of the hundreds of thousands of domestic trucks are examined; and

WHEREAS, the United States Supreme Court has held that since the United States Department of Transportation currently lacks the regulatory authority to prevent the operations of foreign trucks based on their emissions, the affected states in the United States are burdened to seek remedies to mitigate the environmental impacts of the tens of thousands of trucks from Mexico that are projected to operate within our borders and that are not subject to strict environmental controls in their home country; and

WHEREAS, as the program exists today, trucks entering the United States from Mexico are not held to the same stringent federal regulations and safety and air quality standards as domestic trucks and, as such, those substandard trucks and low paid, possibly ineligible drivers represent a danger to users of United States highways and our environment and threaten American jobs and our national security; and

WHEREAS, the members of this General Assembly believe that the program will create another regulatory burden for and place undue stress on the already taxed resources of the state of Tennessee's law enforcement and transportation agencies; and

WHEREAS, the members of this General Assembly support the goal of fair trade with our continental neighbors; however, we cannot support the program because it establishes an unfair method of competition in favor of foreign companies and makes our borders even more open to terrorists and drug trafficking; and

WHEREAS, the state of Tennessee will see a very large number of trucks from Mexico, because the crossroads of America, Interstates 40 and 75, both run through the state; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that this General Assembly hereby most fervently urges and encourages the United States Department of Transportation to suspend its cross-border trucking pilot program, or any successor program, until such time as foreign trucking companies and their drivers

operating within our borders are held to the same safety and regulatory standards as their domestic counterparts.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Secretary of the United States Department of Transportation and to each member of Tennessee's Congressional delegation.